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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/872,197

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L. Jeffrey Kapner III

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10/31/2006

EXAMINER

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ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/872,197	Applicant(s) KAPNER ET AL.	
Examiner Joseph G. Ustaris	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 July 2006.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 28 July 2006 in application 09/872,197. Claims 1-24 are pending. Claims 1, 9, and 17 are amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-7, 9-11, 13-15, 17-19, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Knudson et al. (US006564379B1).

Regarding claim 1, Knudson et al. (Knudson) discloses a client terminal (set-top box (STB) 48) connectable to a head end (television distribution facility 38) and a display device (television 52) (See Fig. 1). The head end provides program information including first program data associated with a first program and second program data associated with a second program (See column 3 lines 34-65). The client terminal comprises a channel input interface to receive program guide information (See Fig. 1, STB 48) and a user interface to receive a first input and a second input (See Figs. 1 and 3, remote control 54 and 60). Furthermore, the STB further serves as the terminal

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controller responsive to an OSD control program in order to successfully display images on the television (See Figs. 1 and 4). The STB displays a plurality of different channel identifiers on the display device during flip or browse mode (e.g. the display will display a plurality of different channel identifiers when the user operates the up and down cursors, such as 6 KRMA and 7 KMGH) (See Figs. 4 and 5). The user can switch from flip mode to browse mode by pressing one of the cursor keys or "selecting one of the plurality of different channel identifiers in response to the first input" (e.g. current flip mode displays "6 KRMA" and user switches to browse mode by pressing one of the cursor keys) (See column 7 lines 4-7). The browse display 70 in browse mode is a pop-up for the selected channel identifier, wherein the browse display 70 is displayed in response to the user pressing one of the cursor keys during the current flip mode and will still display the plurality of different channel identifiers (See Figs. 4 and 5; column 7 lines 4-7). The browse display 70 displays the first program data associated with the first program of the selected channel identifier (See Fig. 4, 6 KRMA Big Comfy couch 10:30 AM) in response to the first input (e.g. the first time the cursor keys are pressed) (See Fig. 4) and the user interface receives the second input (e.g. operating the cursor keys again during browse mode) while the pop-up is displaying the first program data and the browse display 70 displays a second program data associated with the second program of the selected channel identifier in response to the second input (e.g. the user presses the left or right cursor keys to view other program listings corresponding to the current channel identifier that occur prior or after 10:30 AM) (See Fig. 4; column 6 lines 26-50).

Regarding claim 2, the browse display 70 includes a next icon, such that the second input selects the next icon resulting in the display of a second program data that is associated with a second program that occurs after the first program (See Fig. 4, right arrow 72; column 6 lines 26-50).

Regarding claim 3, the browse display 70 includes a previous icon, such that the second input selects the previous icon resulting in the display of a second program data that is associated with a second program that occurs before the first program (See Fig. 4, left arrow 72; column 6 lines 26-50).

Regarding claim 5, the program guide information displayed in the browse display includes a channel number (6), a channel identifier (KRMA), a program time (10:30 AM), and a title of the program (Big Comfy Couch) (See Fig. 4).

Regarding claim 6, the program guide information displayed in the browse display further includes a description of the program (the program occurs at 10:30 AM) (See Fig. 4).

Regarding claim 7, the channel identifiers represents broadcast channels or satellite channels (See column 3 line 59 – column 4 line 6).

Claim 9 contains the limitations of claim 1 (where inherently the STB runs a computer program embodied in a computer readable storage medium in order to successfully perform its functions) and is analyzed as previously discussed with respect to that claim.

Claim 10 contains the limitations of claims 2 and 9 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claims 3 and 9 and is analyzed as previously discussed with respect to those claims.

Claim 13 contains the limitations of claims 5 and 9 and is analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 6 and 13 and is analyzed as previously discussed with respect to those claims.

Claim 15 contains the limitations of claims 7 and 9 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claim 1 (wherein the STB performs the method) and is analyzed as previously discussed with respect to that claim.

Claim 18 contains the limitations of claims 2 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 19 contains the limitations of claims 3 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 21 contains the limitations of claims 5 and 17 and is analyzed as previously discussed with respect to those claims.

Claim 22 contains the limitations of claims 6 and 21 and is analyzed as previously discussed with respect to those claims.

Claim 23 contains the limitations of claims 7 and 17 and is analyzed as previously discussed with respect to those claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US006564379B1) in view of Alexander et al. (US006177931B1).

Claim 4 contains the limitations of claim 1 and is analyzed as previously discussed with respect to those claims. However, Knudson does not disclose (1) a record icon resulting in the recording of the first program (2) in a local memory.

(1) Alexander et al. (Alexander) discloses an electronic program guide that includes a record icon, whereupon when a user selects the record icon the system records the program (See Fig. 1, Record 46; column 7 line 58 – column 8 line 3). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the electronic program guide display disclosed by Knudson to include a record icon, such that the second input selects the record icon resulting in the recording of the first program, as taught by Alexander, in order to provide the user with easy access to record a program that is currently being watched so the user may watch the recorded program at a time that is more convenient.

(2) Knudson in view of Alexander does not expressly disclose storing the recorded program in local memory. Official Notice (MPEP 2144.03) is taken that both the concepts and advantages of recording in a local memory are well known and

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expected in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have the recording be stored in a local memory in order to have a faster access to the recorded program.

Claim 12 contains the limitations of claims 4 and 9 and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claims 4 and 17 and is analyzed as previously discussed with respect to those claims.

Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US006564379B1) in view of Jerding (US006463586B1).

Claim 8 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, Knudson does not disclose that the client terminal displays predetermined channel identifiers in a predetermined order set by the user.

Jerding discloses a service navigation system for an electronic program guide. Jerding discloses that a client terminal is able to display predetermined channel identifiers in a predetermined order set by the user (See column 3 lines 11-19). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the STB and program guide system disclosed by Knudson to be able to display predetermined channel identifiers in predetermined order set by the user, as taught by Jerding, in order to provide a electronic program guide that

is more powerful and extensible than mere channel number navigation (See column 3 lines 11-19).

Claim 16 contains the limitations of claims 8 and 9 and is analyzed as previously discussed with respect to those claims.

Claim 24 contains the limitations of claims 8 and 17 and is analyzed as previously discussed with respect to those claims.

Response to Arguments

4. Applicant's arguments filed 28 July 2006 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 1, 9, and 17 that Knudson does not disclose displaying a plurality of different channel identifiers, selecting one of the plurality of different channel identifiers and still displaying the plurality of different channel identifiers during the pop-up. However, reading the claims in the broadest sense, Knudson still meets all the limitations of the claims. Knudson discloses that the STB displays a plurality of different channel identifiers during flip or browse modes based on the user operation of the up and down cursor (See Figs. 4 and 5, 6 KRMA and 7 KMGH). The user switches from flip mode to browse mode by selecting one of the plurality of different channel identifiers based on the user operation of the cursor keys (See column 7 lines 4-7). The browse display 70 or "pop-up" will still display the plurality of different channel identifiers (See Figs. 4 and 5; column 7 lines 4-7).

Applicant argues with respect to claims 1, 9, and 17 that Knudson does not disclose a pop-up that displays first program data associated with a first program of the selected channel identifier in response to the first input...and displaying second program data associated with a second program of the selected channel identifier in response to the second input. However, reading the claims in the broadest sense, Knudson still meets all the limitations of claims 1, 9, and 17. Knudson discloses that the user can enter a browse mode by operating one of the cursor keys on a channel identifier (e.g. 6 KRMA) or "the selected channel identifier" shown in Figs. 4-5. Within this mode the user can view Big Comfy Couch or "first program" along with its broadcast time or "first program data". Furthermore, the user can view another program (e.g. the user presses the left or right cursor keys to view other program listings corresponding to the current channel identifier that occur prior or after 10:30 AM) (See Fig. 4; column 6 lines 26-50) or "second program" along with its "second program data". The user can view both the Big Comfy Couch program and programs prior or after 10:30 AM from the same browse mode, which was entered by selecting the 6 KRMA or "the selected channel identifier".

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner suggests that applicants consider using more descriptive language within the claims that best represents what is disclosed on Figure 2 of applicant's specification.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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October 18, 2006

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